

STATE OF MICHIGAN
COURT OF APPEALS

MICHAEL ABT, CARL BELLMAN, GAYLE
BELLMAN, SHIRLEY BREWER, LORAIN
BROWER, MARVIN BROWER, DONALD
CLARK, and UTICA EVANGELISTIC CENTER,

UNPUBLISHED
April 15, 2003

Plaintiffs-Appellees,

v

THOMAS MOORE,

No. 242047
Macomb Circuit Court
LC No. 2002-001150-CZ

Defendant-Appellant.

Before: Meter, P.J., and Cavanagh and Cooper, JJ.

PER CURIAM.

Defendant appeals by leave granted the trial court's orders denying his motion for summary disposition and denying his motion to quash the deposition of Daniel Zink. We reverse.

Defendant argues that the instant suit, in which plaintiffs take issue with defendant's employment as the senior pastor at the Utica Evangelistic Center ("UEC"), should be dismissed in accordance with the doctrine of ecclesiastical abstention. We agree. Whether subject matter jurisdiction exists is a question of law that this Court reviews de novo. *Citizens for Common Sense in Gov't v Attorney General*, 243 Mich App 43, 49-50; 620 NW2d 546 (2000).

The ecclesiastical abstention doctrine derives from the Establishment Clause and Free Exercise Clause of the First Amendment of the federal Constitution. *Smith v Calvary Christian Church*, 462 Mich 679, 684; 614 NW2d 590 (2000). Under the doctrine, "civil courts may not redetermine the correctness of an interpretation of canonical text or some decision relating to government of the religious polity." *Id.*, quoting *Paul v Watchtower Bible & Tract Society*, 819 F2d 875, 878, n 1 (CA 9, 1987). Our Court has recognized that, under this doctrine, the court's jurisdiction is "severely circumscribed." *Maciejewski v Breitenbeck*, 162 Mich App 410, 413; 413 NW2d 65 (1987). Specifically, the court's jurisdiction is "limited to property rights which can be resolved by application of civil law." *Id.* at 414. A court loses jurisdiction if it must address issues requiring the application of religious doctrine or ecclesiastical polity. *Id.* "Religious doctrine refers to ritual, liturgy of worship and tenets of the faith[.]" while "[p]olity refers to organization and form of government of the church." *Id.*

The issue on appeal is whether the trial court could have resolved plaintiffs' claims without examining questions related to the UEC's religious doctrines or governance. Plaintiffs assert that resolution of their claims does not require the trial court to become entangled in issues of church polity. According to plaintiffs, the court would only need to look at whether defendant has the authority, as determined by the church constitution and bylaws, to control and possess UEC's property. Conversely, defendant claims that *Maciejewski, supra*, as well as other case law, stands for the proposition that civil courts may not review any ministerial employment disputes involving a church.

In *Dlaikan v Roodbeen*, 206 Mich App 591, 593-594; 522 NW2d 719 (1994), this Court held that contract disputes between a church and the secular world involving the purchase or sale of property or agreements to fix a roof, for instance, could be settled without implicating the church's religious doctrines, as the activity was solely governed by the civil law. It further provided that property disputes between factions of an organization could potentially be resolved without reference to religious beliefs. *Id.* at 594. However, in *Natal v Christian & Missionary Alliance*, 878 F2d 1575, 1577 (CA 1, 1989), which was cited approvingly in *Dlaikan*, we note that the First Circuit stated:

Howsoever a suit may be labelled, once a court is called upon to probe into a religious body's selection and retention of clergymen, the First Amendment is implicated. We agree entirely with the Fifth Circuit that:

The relationship between an organized church and its ministers is its lifeblood. The minister is the chief instrument by which the church seeks to fulfill its purpose. Matters touching this relationship must necessarily be recognized as of prime ecclesiastical concern. [Citing *McClure v Salvation Army*, 460 F2d 553, 558-559 (CA 5, 1972).]

Because the instant matter involves church polity, summary disposition was appropriate. Pursuant to MCR 7.216(A)(1) and (A)(7), we grant summary disposition in favor of defendant. Accordingly, we need not address defendant's discovery issue.

Reversed.

/s/ Patrick M. Meter
/s/ Mark J. Cavanagh
/s/ Jessica R. Cooper